

3378

MELBA L. LOVELL,

COMPLAINANT,

VS

SETH T. LOVELL,

RESPONDENT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

Comes Seth Thomas Lovell, named as the Respondent in the above styled cause appearing specially and only for the purpose of filing the following plea separately to each count of the complaint in said cause, and for no other purpose:

1.

That the said Seth Thomas Lovell, says that at the time said suit was instituted and at the time said cause of action arose he was a bona fide resident of Mobile, of the State of Alabama, and that the Circuit Court of Baldwin County, is without jurisdiction to try this suit.

2.

That the said parties to this cause lived as husband and wife in Mobile County and that Mobile County was their domicile at the time of their separation, and that the Circuit Court of Baldwin County, Alabama is without jurisdiction to try this suit.

Seth T. Lovell
Respondent

W. J. Morgan
Attorney for the Respondent.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, W. J. Morgan, a Notary Public, in and for said County, in said State, personally appeared Seth Thomas Lovell, who, being known to me, and by me first duly sworn, deposes and says on oath: That he is the Respondent in the above entitled cause, and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

Seth T. Lovell

Sworn to and subscribed before me on this the 23 day of October, 1951.

W. J. Morgan
Notary Public, Baldwin County, Alabama.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MELBA L. LOVEIL,
COMPLAINANT,

VS

SETH T. LOVEIL,
RESPONDENT.

Plea and Abatement

FILED

OCT 23 1954

ALICE J. DUCK, Register

C. LeNeir Thompson
Attorney At Law
Bay Minette, Alabama



MELBA L. LOVELL
Complainant

vs

SETH T. LOVELL
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your complainant, Melba L. Lovell, respectfully represents
and shows unto your Honors:

1. That complainant is over the age of Twenty-one years
and is a resident of said State, and has been a bona fide resi-
dent of said State for more than two years next preceding the
filing of this bill of complaint; that Seth T. Lovell is over
the age of Twenty-one years and resides in Mobile County, Ala-
bama.

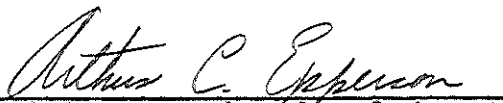
2. That your complainant and respondent were lawfully
~~married on or about, to-wit, August 10, 1944, at Leaksville,~~
Mississippi, and to this union was born three children, Martha
Ellen Lovell, Nine years, Melba Jean Lovell, Eight years, and
Charlie Lovell, Five years.

3. Your complainant avers and charges that the said res-
pondent did on or about the 2nd day of October, 1954, and many
times subsequent thereto assault, beat, hit and strike complain-
ant; that said respondent has committed actual violence on her
person attended with danger to her health or life; complainant
avers and charges that respondent has made numerous threats of
doing her physical harm and from his manner and conduct toward
her, she is reasonably convinced that he will commit an actual
violence upon her person, attended with danger to her life or
health.

4. Your complainant further avers and alleges that the
said respondent has, since her said marriage with him, become
addicted to habitual drunkenness, and that said habit has contin-
ued to the filing of this bill.

5. Your complainant further avers and alleges that the children of this marriage are with your complainant; complainant avers and alleges that she is without employment and means of support for herself and children; that she does not have funds to pay her Solicitor for representing her in this cause; that the respondent is well able to pay for the support and maintenance of herself and children and a reasonable Attorney fee in this case; that the respondent is capable of making between \$500.00 and \$600.00 per month in his occupation.

The premises considered, your complainant makes the said Seth T. Lovell, a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Seth T. Lovell, commanding him to answer, plead, or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent; granting the complainant care custody and control of said minor children; granting alimony for the support and maintenance of said children; granting a reasonable Attorney's fee for her Solicitor of record and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray.


Solicitor for Complainant

Respondents address

Seth T. Lovell
529 Telegraph Rd.
Prichard, Alabama

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon SETH T. LOVELL

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State

MELBA L. LOVELL

against

SETH T. LOVELL

Herein fail not. Due return make of this writ as the law directs.

Witness this 14th day of October, 1954

W. J. H. H. H., Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6523-6529

The State of Alabama

BALDWIN

COUNTY.

IN CIRCUIT COURT, IN EQUITY

MELBA L. LOVELL

vs.

SETH T. LOVELL

329 Telegraph Rd

SUMMONS

Returned by the Sheriff and filed in office, this

the.....day of....., 19.....

, Register.

ALICE L. DUCK, Register

OCT 14 1954

FILED

Received in office, this the 14 day of

Oct, 1954
Myler Willis, Sheriff.

I have executed the within by leaving a copy

thereof with Seth T. Lovell on the

22nd day of Oct.
1954

defendant named herein, on this the.....

day of....., 19.....

W. A. Holcombe, Sheriff.

By Don Johnson, Deputy.
MOBILE COUNTY, ALA.

MELBA L. LOVELL
Complainant

vs

SETH T. LOVELL
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY.

Now comes your Complainant and Petitioner Melba L. Lovell and respectfully represents and shows unto your Honor:

1. That your Complainant and Petitioner is over the age of twenty-one years and a resident of Baldwin County, Alabama; that the Respondent is over the age of twenty-one years and now resides in Mobile County, Alabama.

2. That heretofore on to-wit October 15, 1954, your Complainant filed a bill for divorce against the respondent, Seth T. Lovell in this Honorable Court on the grounds of cruelty and habitual drunkenness; that in said bill for divorce your petitioner asked for custody of the minor children of the marriage.

3. Your petitioner alleges that she and the minor children of the marriage namely Martha Ellen Lovell, nine years, Melba Jean Lovell, eight years, and Charlie Lovell, five years, at the time of filing of the Bill for Divorce were in Baldwin County, Alabama and within the jurisdiction of this Honorable Court.

4. That your petitioner and said minor children were forced out of their home by the Respondent and father of said children without fault on the part of your petitioner; that the respondent and father of said children forced your petitioner and children out of a motor vehicle driven by the respondent in the middle of a public highway with heavy traffic all around and left your petitioner and children there without means of transportation or money and a long distance from home.

5. Your petitioner further avers and alleges that the respondent and father of said children has been continuously cruel, mean and

indifferent to the welfare of said children; that said respondent has never furnished a permanent or reasonable home for your petitioner and children; that the home furnished was a house trailer which was continuously being moved from town to town and trailer park to trailer park subjecting said children to bad environments and conditions; that said children were moved from school to school, resulting in children becoming very sensitive, nervous and a hate and dread for school; ~~at~~ that although respondent obtained sufficient money to furnish necessities for the reasonable support and maintenance of your petitioner and children, he failed and neglected to provide such necessities and squandered his money in pool halls and on alcoholic drinks.

6. Your petitioner further alleges and avers that upon your petitioners being forced to leave the respondent she and said minor children moved into a house belonging to your Petitioner's father in Foley, Alabama, where she is now residing; that she promptly entered the two oldest children in school in Foley, Alabama, where they are presently attending; that on the 15th day of October, 1954, the respondent came to Foley, Alabama, and entered the house where the children were staying and forcefully carried off the youngest child Charlie Lovell and made threats to return and get the other children.

7. Your petitioner further avers and alleges that the respondent is an unfit person to have the care, control and custody of any of the children; that the said respondent has no means or place to give said children or any one of them proper care and attention but will subject them to an unhealthy, immoral and unclean environment.

8. Your petitioner further avers and alleges that she has a comfortable house and home for said children where they can and will receive proper care, attention, love and affection with an opportunity for proper schooling and christian training in a good clean healthy environment.

The premises considered your petitioner respectfully prays that this Honorable Court make and enter an order requiring the respondent to return the minor child Charlie Lovell to your petitioner and granting the petitioner the care, control and custody of the minor children of the marriage pending the hearing on the suit for divorce heretofore filed by your petitioner.

And your petitioner prays for such other and further orders and relief as may be mete and proper.

Melba L. Lovell
Petitioner

STATE OF ALABAMA

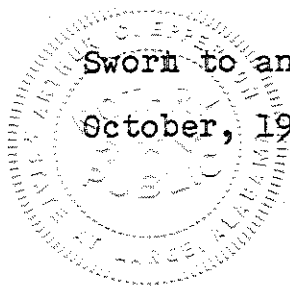
BALDWIN COUNTY

before me Arthur C. Epperson, a Notary Public, in and for said County and State, personally appeared Melba L. Lovell who is known to me and who being first duly sworn, deposes and says that she has personal knowledge of the facts stated in the above petition and that the same are true.

Melba L. Lovell

Sworn to and subscribed before me this the nineteenth day of
October, 1954.

Arthur C. Epperson
Notary Public, State of Ala.,
at large.



MELBA L. LOVELL

COMPLAINANT

VS

SETH T. LOVELL

RESPONDENT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

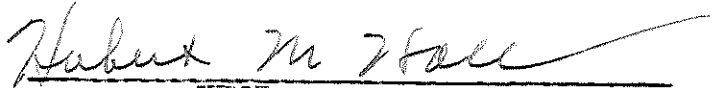
DECREE GRANTING TEMPORARY CUSTODY

The sworn petition in the above styled cause having been submitted to the Court for its consideration, and it having been duly considered by the Court; it is the opinion of the Court that Melba L. Lovell is entitled to the relief she seeks.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Melba L. Lovell be and she hereby is granted the temporary custody of her children, Martha Ellen Lovell, Melba Jean Lovell and Charlie Lovell pending a final hearing in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any Sheriff of the State of Alabama, or his duly appointed agent, take Charlie Lovell into his custody wherever he may be located and deliver him to the Complainant in this cause.

Done this the 20th day of October, 1954.


JUDGE

MELBA L. LOVELL

COMPLAINANT

VS

SETH T. LOVELL

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DECREE GRANTING TEMPORARY CUSTODY

The sworn petition in the above styled cause having been submitted to the Court for its consideration, and it having been duly considered by the Court; it is the opinion of the Court that Melba L. Lovell is entitled to the relief she seeks.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Melba L. Lovell be and she hereby is granted the temporary custody of her children, Martha Ellen Lovell, Melba Jean Lovell and Charlie Lovell pending a final hearing in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any Sheriff of the State of Alabama, or his duly appointed agent, take Charlie Lovell into his custody wherever he may be located and deliver him to the Complainant in this cause.

Done this the 20th day of October, 1954.

Hubert M. Hall

JUDGE

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree rendered by the Judge of the above styled cause, which said decree is a final decree.

WITNESS MY HAND AND SEAL THIS THE 20th day of Oct., 1954

Alice J. Duck
Register of Circuit Court, in Equity

MELBA L. LOVELL
Complainant

VS

SETH T. LOVELL
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY.

Your complainant, Melba L. Lovell, respectfully represents and shows unto your Honors:

1. That complainant is over the age of Twenty-one years and is a resident of said State, and has been a bona fide resident of said State for more than two years next preceding the filing of this bill of complaint; that Seth T. Lovell is over the age of Twenty-one years and resides in Mobile County, Alabama.

2. That your complainant and respondent were lawfully married on or about, to-wit, August 10, 1944, at Leaksville, Mississippi, and to this union was born three children, Martha Ellen Lovell, Nine years, Melba Jean Lovell, Eight years, and Charlie Lovell, Five years.


3. Your complainant avers and charges that the said respondent did on or about the 2nd day of October, 1954, and many times subsequent thereto assault, beat, hit and strike complainant; that said respondent has committed actual violence on her person attended with danger to her health or life; complainant avers and charges that respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably convinced that he will commit an actual violence upon her person, attended with danger to her life or health.

4. Your complainant further avers and alleges that the said respondent has, since her said marriage with him, become addicted to habitual drunkenness, and that said habit has continued to the filing of this bill.

5. Your complainant further avers and alleges that the children of this marriage are with your complainant; complainant avers and alleges that she is without employment and means of support for herself and children; that she does not have funds to pay her Solicitor for representing her in this cause; that the respondent is well able to pay for the support and maintenance of herself and children and a reasonable Attorney fee in this case; that the respondent is capable of making between \$500.00 and \$600.00 per month in his occupation.

The premises considered, your complainant makes the said Seth T. Lovell, a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Seth T. Lovell, commanding him to answer, plead, or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent; granting the complainant care custody and control of said minor children; granting alimony for the support and maintenance of said children; granting a reasonable Attorney's fee for her Solicitor of record and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray.

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Solicitor for Complainant

Respondents address

Seth T. Lovell
529 Telegraph Rd.
Prichard, Alabama

The State of Alabama, BALDWIN County

IN CIRCUIT COURT, IN EQUITY

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MELBA L. LOVELL

against

SETH T. LOVELL

Herein fail not. Due return make of this writ as the law directs.

Witness this 14th day of October, 1954

Wesley J. Henson, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

MELBA L. LOVELL
Complainant

vs

SETH T. LOVELL
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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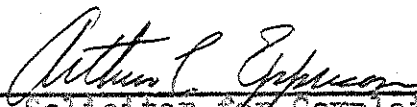
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The premises considered, your complainant makes the said Seth T. Lovell, a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Seth T. Lovell, commanding him to answer, plead, or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent; granting the complainant care custody and control of said minor children; granting alimony for the support and maintenance of said children; granting a reasonable Attorney's fee for her Solicitor of record and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray.


Solicitor for Complainant

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529 Telegraph Rd.
Prichard, Alabama